## REMARKS

The Office Action, mailed October 18, 2006, considered and rejected claims 1–26 and 32–44. Claims 1, 3–6, 8–13, 18–26, 32–33, 35–38, 41, and 44 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Carruthers et al., U.S. Patent Pub. No. 2002/0128904 (filed Jan. 23, 2001) (hereinafter Carruthers) in view of Zigmond et al., Int'l Application Pub. No. WO 99/66719 (filed June 14, 1999) (hereinafter Zigmond). Claims 2, 7, 14–17, 34, 39–40, and 42–43 were rejected under 35 U.S.C. §103(a) as being unpatentable over Carruthers in view of Zigmond and further in view of Cannon, U.S. Patent No. 6,029,176 (filed Nov. 25, 1997).[1]

By this response, claims 1 and 21 are amended such that claims 1–26 and 32–44 remain pending. Claims 1, 13, and 21 are the only independent claims which remain at issue. Support for the amendments may be found throughout the Specification, including the disclosure found particularly within ¶¶ 35–39 & 51–55.[2]

The present invention is directed towards embodiments for managing the delivery of advertising impressions on devices that are intermittently-connected to a network such that an advertising campaign may be planned and delivered to one or more receiver modules which may manage the selection of advertising content to be displayed even when not connected to a network. Claim 1 recites, for instance, in combination with all the elements of the claim, a method where a server system receives historical advertising information from a receiver system where the receiver system receives advertising content from the server and the content is accompanied by metadata which specifies target information, a content weight, an advertising type specifying whether the content is committed or flexible, and which geographic location and time the content is to be selected for display. The receiver further selects the advertising content to display based at least in part on the metadata which indicates the location, time, weight, and type of the content. The receiver records historical information concerning the selective display of content and reports that historical information to the server. The server can then combine the historical data and advertising campaign data to generate inventory availability for future advertising campaigns and make a schedule available to an advertiser to reserve inventory for advertising campaigns.

Claim 13 is a computer program product embodiment of a method similar to that recited in claim 1.

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[1] Although the prior art status of the cited art is not being challenged at this time, Applicant reserves the right to challenge the prior art status of the cited art at any appropriate time, should it arise. Accordingly, any arguments and amendments made herein should not be construed as acquiescing to any prior art status of the cited art.

[2] It should be noted, however, that the invention is described by the entire Specification and the claims take their support from the entirety of the Specification, not from any particular part.

Claim 21 recites a method, in combination with all the elements of the claim, where an impression goal for an advertisement may be defined, a weight may be defined for the advertising, and a receiver can selectively display to a target viewer advertising content based on an absolute or relative weight of the advertising, whether the advertising was committed or flexible, on the target data of other advertising available for the receiver to display, and on time and geographic location.

Initially, Applicants respectfully disagree with the Examiner concerning equating "some weighing mechanism" as disclosed in Carruthers[3] with the weights as taught presently. Carruthers discloses only that the order of advertisements are to be displayed is "based preferably both upon priority and some weighting mechanism that indicates how many impressions are needed by each campaign."[4] Applicants submit that "some weighing mechanism" is not definite and is not enabled by the Carruthers specification. Further, Applicants submit that the weighing mechanism in Carruthers does not in any way indicate a distinction between absolute and relative weights and their use, as claimed and disclosed within the present invention.[5] Accordingly, Applicants submit that, as used within claims 1, 13, and 21, the weights of Carruthers cannot be said to teach the weights as defined and used in the present invention.

Claim 1 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Carruthers in view of Zigmond. Applicant respectfully submits, however, that the cited combination of art fails to teach or render obvious the claimed invention. In particular, Carruthers and Zigmond, both singly and in combination, fail to teach or suggest advertising content being received at a receiver module which comprises, *inter alia*, target criteria, a weight, a time or times when advertising content should be selected for display, and advertising type indicating the advertising content is committed or flexible, whether a weight is absolute or flexible, and a time and geographic location for which the advertising content should be displayed. Further, Carruthers and Zigmond, both singly and in combination, fail to teach or suggest, *inter alia*, that the receiver selects advertising content for display based at least in part on metadata indicating proper geographic location and time for particular advertising content to be displayed and a weight, the weight being specified by the metadata as one of absolute or relative. As such, the cited prior art fails to teach or suggest each and every element of the claim as recited and, correspondingly, the Applicants submit that a rejection under 35 U.S.C. § 103 is improper. In view of the foregoing, Applicants respectfully request the rejection of claim 1 be withdrawn and submit that claim 1 and all of the corresponding dependent claims should now be found allowable.

Claim 13 is a computer program product embodiment of a method similar to that recited in claim 1. Accordingly, claim 13 should be found allowable for at least the same reasons as claim 1.

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[3] *See* Carruthers p. 3 ¶ 34.
[4] *Id.*
[5] *See, generally*, Specification.

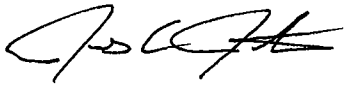
Claim 21 was also rejected under 35 U.S.C. § 103(a) as being unpatentable over Carruthers in view of Zigmond. It should now be noted that Carruthers and Zigmond, both singly and in combination, fail to teach or suggest a receiving computing system selectively displaying advertising content based at least in part on the weight of the advertisement, whether the advertisement was committed or flexible, wherein committed advertisements guarantee an impression frequency and flexible advertisements are selectively displayed within remaining available advertising inventory, the target data and the absolute and relative weights of other advertising content having also been received by the receiver computing system and on current viewer characteristics, the characteristics comprising time and geographic location. As such, the cited prior art fails to teach or suggest each and every element of claim 21 as recited and, correspondingly, the Applicants submit that claim 21 should now be found allowable.

In view of the foregoing, Applicant respectfully submits that the other rejections to the claims are now moot and do not, therefore, need to be addressed individually at this time. It will be appreciated, however, that this should not be construed as Applicant acquiescing to any of the purported teachings or assertions made in the last action regarding the cited art or the pending application, including any official notice. Instead, Applicant reserves the right to challenge any of the purported teachings or assertions made in the last action at any appropriate time in the future, should the need arise. Furthermore, to the extent that the Examiner has relied on any Official Notice, explicitly or implicitly, Applicant specifically requests that the Examiner provide references supporting the teachings officially noticed, as well as the required motivation or suggestion to combine the relied upon notice with the other art of record.

In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney 801-533-9800.

Dated this 18th day of January, 2007.

Respectfully submitted,



RICK D. NYDEGGER
Registration No. 28,651
JENS C. JENKINS
Registration No. 44,803
Attorneys for Applicant
Customer No. 47973